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10/510,042

11/09/2004

Aki Niemi

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EXAMINER

HUSSAIN, TAUQIR

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,042	Applicant(s) NIEMI ET AL.	
	Examiner TAUQIR HUSSAIN	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/01/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to amendment /reconsideration filed on 11/09/2004. Claims 1-22 are pending for examination, the rejection cited as stated below.

Claim Objections

2. Claims 10, 19 and 20 are objected to as claim recite, “wherein the first application server is adapted to..”, “application server is adapted to store”, “application server is adapted to direct messages” respectively which renders indefiniteness in the claims. Appropriate correction is required.

3. Claims 1, 10 and 20 are objected to because there is no preamble or transitional phrases included in the claim See MPEP 2111.02 and 2111.03, which makes it hard to analyze where the limitation starts in the claim and therefore, affects the structure of the claim since there are no steps involve in method claim. Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “a control portion of each SIP message including an identification of the type of message service” in claim 1, 10 and claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Steinfeldt et al (Pub. No.: US 2003/0187992 A1), hereinafter “Steenfeldt”.
5. As to claim 1, Steinfeldt discloses, supporting at least two types of message service in a mobile communications system (Abstract, Lines 1-3, where plurality of services are supported in mobile communications), wherein the at least two types of message service are transported by a SIP message (Abstract, Lines 4-11, where two types of messages are managed with two associated services), a control portion of each SIP message including an identification of the type of message service ([0034], where header information is a control portion and selecting service based on header information means there is identification of message type included in header to invoke the desired service).
6. As to claim 2, Steinfeldt discloses, wherein a transmitted message is processed in dependence on the identification in the control portion ([0034], where service is invoked based on the header information of the SIP message).

7. As to claim 3, Steinfeldt discloses, wherein the control portion is a header of the SIP message ([0034], where message has header information).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinfeldt as applied to claims 1-3 above in view of (SIP RFC3261), hereinafter "RFC3261".

9. As to claim 4, Steinfeldt discloses the invention substantially as in parent claim 1 above. Steinfeldt however is silent on disclosing explicitly, "wherein the control portion is a value field of the SIP message".

RFC3261 however discloses, "wherein the control portion is a value field of the SIP message" (RFC3261, 7.3.1 Header field format, where header information has a value field).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Steinfeldt with the teachings of RFC3261 in order to incorporate the all SIP header format into the Steinfeldt messaging system to enhance the multi service messaging service.

10. As to claim 5, Steinfeldt and RFC3261 disclose the invention substantially, including, wherein all messages are processed by an application associated with the second message type (Steenfeldt, [0010, lines 10-13], where second service is invoked using first message as an input).

11. As to claim 6, Steinfeldt and RFC3261 disclose the invention substantially as in parent claim 5 above, including, wherein for messages of the first type, the application associated with the second message type forwards the message to an application associated with messages of the second type (Steenfeldt, [0033], where first message type invokes the second message service and processed according to second application associated with second type service).

12. As to claim 7, Steinfeldt and RFC3261 disclose the invention substantially as in parent claim 1 above, including, wherein the at least two types of messaging service include a first type of messaging service dependent upon reliable delivery (Steenfeldt, [0017], where voice mail can be a reliable delivery) and a second type of messaging service dependent upon instant delivery (Steenfeldt, [0232], where Instant messaging can be a service dependent on instant delivery).

13. As to claim 9 is rejected for same rationale as applied to claim 7 above.

14. Claim 8 is rejected under 35 U.S.C 103(a) as being unpatentable over Steinfeldt and RFC3261 in view of Trap (Pub. No.: US 2007/0042815 A1), hereinafter "Trap".

15. As to claim 8, Steinfeldt and RFC3261 disclose the invention substantially as in parent claim 1 above, including services like call forwarding, call waiting, instant messaging, video conferencing etc. However Steinfeldt and RFC3261 are silent on disclosing explicitly, wherein the first type of messaging service is one of a: short message service; an extended message service; or a multimedia message service.

However, Trap discloses, wherein the first type of messaging service is one of a: short message service; or a multimedia message service (Trap, [0017], where MMS, email, SMS, VoIP etc. are disclosed and therefore combining Steinfeldt, RFC3261 and Trap other forms of messaging system can be well modified to incorporate within the scope of combined invention).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Steinfeldt, RFC3261 with the teachings of Trap in order to open the invention for well known messaging system for end user convenience.

16. Claims 10-11, 13-16 and 18-22 are rejected under 35 U.S.C 103(a) as being unpatentable over Steinfeldt in view of GSM Global System Mobile Communication, ETSI TS 123 140 V4.6.0, "Digital Cellular Telecommunication system (Phase2+)(GSM; Universal Mobile Telecommunications System (UMTS); Multimedia Messaging Service (MMS); Functional description; Stage 2 (3GPP TS 23.140 version 4.6.0 Release 4)" as incorporated in IDS, hereinafter "ETSI".

17. As to claim 10, Steinfeldt discloses, a mobile communications system in which at least a first and second type of message service are supported (Steenfeldt, Abstract, Lines 1-3, where plurality of services are supported in mobile communications), wherein the first and second types of message service are transported by an SIP message to the first application server (Steenfeldt, Abstract, Lines 4-11, where two types of messages are managed with two associated services transported by SIP to application server Fig.3, application server-313), each SIP message including a control portion identifying the type of message (Steenfeldt, [0034], where header information is a control portion and selecting service based on header information means there is identification of message type included in header to invoke the desired service), wherein the first application server is adapted to direct messages of the second type to the second application (Steenfeldt, [0010, lines 10-13], where second service is invoked using first message as an input meaning first server is passing message to second service).

Steenfeldt however is silent on disclosing explicitly, "wherein in the system included first and second application server associated with the at least the first and second message service type".

ETSI however discloses, "wherein in the system included first and second application server associated with the at least the first and second message service type" (ETSI Page.62, Fig.A.8, where Unified messaging system is disclosed with voice mail server and MMS server).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Steinfeldt with the teachings of ETSI in order to incorporate messaging systems e.g. IM, SMS, Video conferencing etc. and make them platform independent.

18. As to claim 11, Steinfeldt and ETSI disclose the invention substantially as in parent claim 10 above, including, wherein the control portion of the SIP message is a header field (Steenfeldt, [0034], where service is invoked based on the header information of the SIP message).

19. As to claim 13, Steinfeldt and ETSI disclose the invention substantially as in parent claim 10 above, including, wherein the first type of message service is dependent upon the instant delivery of a message (Steenfeldt, [0232], where instant messaging can be a service dependent on instant delivery).

20. As to claim 14, Steinfeldt and ETSI disclose the invention substantially as in parent claim 10 above, including, wherein the first type of message service is an instant messaging service (Steenfeldt, [0232], where instant messaging can be a service dependent on instant delivery).

21. As to claim 15, Steinfeldt and ETSI disclose the invention substantially as in parent claim 13 above, including, wherein the first application server is an Internet multimedia subsystem application server (Steenfeldt, [0232], where instant messaging

is disclosed which is managed by the internet multimedia server and therefore implicitly Steinfeldt disclose the internet multimedia server)

22. As to claim 16, Steinfeldt and ETSI disclose the invention substantially as in parent claim 10 above, including, wherein the second type of messaging service is dependent upon reliable delivery of a message (Steenfeldt, [0017], where voice mail can be a reliable delivery).

23. As to claims 18 and 22, Steinfeldt and ETSI disclose the invention substantially as in parent claim 10 above, including, wherein the second application server is a multimedia message server application server (ETSI, Page.62, Fig.A.8, MMS server).

24. As to claim 19, Steinfeldt and ETSI disclose the invention substantially as in parent claim 15 above, including, wherein the internet multimedia subsystem application server is adapted to store and forward SIP messages in dependence on the control portion identifying the message type (Steenfeldt, [0034], where message is forwarded and processed based on header information and apparently message get stored in cache or memory of the server).

25. As to claim 20, carry similar limitation as claim 10 above, therefore is rejected under for same rationale.

26. As to claim 21, carry similar limitation as claim 15 above, therefore is rejected under for same rationale.

27. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinfeldt and ETSI as applied to claims 10-11 and 13-14 above in view of (SIP RFC3261), hereinafter "RFC3261".

28. As to claim 12, Steinfeldt and ETSI disclose the invention substantially as in parent claim 10 above. Steinfeldt and ETSI however are silent on disclosing explicitly, "wherein the control portion is a value field of the SIP message".

RFC3261 however discloses, "wherein the control portion is a value field of the SIP message" (RFC3261, 7.3.1 Header field format, where header information has a value field).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Steinfeldt and ETSI with the teachings of RFC3261 in order to incorporate the all SIP header format into the Steinfeldt messaging system to enhance the multi service messaging service.

29. Claim 17 is rejected under 35 U.S.C 103(a) as being unpatentable over Steinfeldt and ETSI in view of Trap (Pub. No.: US 2007/0042815 A1), hereinafter "Trap".

30. As to claim 17, Steinfeldt and ETSI disclose the invention substantially as in parent claim 10 above. Steinfeldt and ETSI however are silent on disclosing explicitly, wherein the second type of message service is one of either: a short message service; an extended message service; or a multimedia message service.

However, Trap discloses, wherein the second type of messaging service is one of a: short message service; or a multimedia message service (Trap, [0017], where MMS, email, SMS, VoIP etc. are disclosed and therefore combining Steinfeldt, RFC3261 and Trap other forms of messaging system can be well modified to incorporate within the scope of combined invention).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Steinfeldt and ETSI with the teachings of Trap in order to open the invention for well known messaging system for end user convenience.

Examiner's Note: Examiner has cited particular columns and line numbers in the references, as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H./
Examiner, Art Unit 2152

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152